

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TENNESSEE
SOUTHERN DIVISION

LAMOND RANKINS,)	
)	NO. _____
Plaintiff,)	
v.)	JUDGE _____
)	
JEREMY NICKELS and CRETE CARRIER)	MAGISTRATE JUDGE
CORPORATION,)	_____
)	
Defendants.)	JURY DEMAND

NOTICE OF REMOVAL

Pursuant to 28 U.S.C. § 1332, 1441, and 1446, defendants Jeremy Nickels (“Nickels”) and Crete Carrier Corporation (“Crete”) (collectively “Defendants”), by counsel, file this Notice of Removal of this action from the Circuit Court in Hamilton County, Tennessee, where it is now pending, to the United States District Court for the Eastern District of Tennessee based upon diversity of citizenship and an amount in controversy exceeding \$75,000. The grounds for removal are as follows.

Procedural Background

1. This action was commenced on or about June 2, 2021 by Plaintiff’s filing of the Complaint in the Hamilton County Circuit Court in Hamilton County, Tennessee, case no. 21C525 (the "Complaint"). True and accurate copies of the pleadings served upon Defendants in this action are attached as Exhibit A.

2. The Complaint was served on defendant Rankins on or about August 21, 2021. The Complaint was served on Crete on or about August 23, 2021. The Notice of Removal is

being filed within thirty (30) days after service of the Complaint on Defendants in the matter; therefore, the removal is timely in accordance with 28 U.S.C. § 1446.

3. The Complaint contains allegations of negligence and negligence per se against defendant Rankins in operating the vehicle without exercising ordinary and due care, thus leading to Plaintiff's injuries. It contains allegations of vicarious liability against Crete based on its employment of Rankins and direct liability based on negligent entrustment.

4. Plaintiff's Complaint seeks damages in excess of \$25,000. Defendants' counsel talked to Plaintiff's counsel about the damages being sought, and Plaintiff's counsel confirmed he will be seeking more than \$75,000 in damages in the pending matter. Accordingly, this Court has jurisdiction over the matter

5. According to the Complaint, Plaintiff is a citizen and resident of Mississippi.

6. Defendant Crete Carrier Corporation was incorporated in Nebraska and has its principal place of business in Lincoln, Nebraska.

7. Defendant Rankins is a citizen and resident of the State of Oklahoma.

8. The United States District Court for the Eastern District of Tennessee has original jurisdiction over this action pursuant to 28 U.S.C. § 1332 as there is complete diversity of the parties, and the amount in controversy exceeds \$75,000 exclusive of interest and costs.

9. A copy of this Notice of Removal is being served via email on counsel for Plaintiff, and a Notice of Filing of Notice of Removal is being filed with the Hamilton County Circuit Court in Hamilton County, Tennessee, in accordance with 28 U.S.C. § 1446(d). (Copies of those notices are attached as Exhibit B.) The necessary filing fees have been paid simultaneously with the filing of the Notice of Removal.

11. Defendants demand a jury to try this case.

WHEREFORE, defendants Jeremy Nickels and Crete Carrier Corporation pray this Court consider the Notice of Removal as provided by law governing removal of cases to this Court and that this Court enter the appropriate orders to affect the removal of this case from the Hamilton County Circuit Court in Chattanooga, Tennessee to this Court.

Respectfully submitted,

LEWIS THOMASON, P.C.

By: /s/Mary Beth White

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*Attorneys for defendants Jeremy Nickels and
Crete Carrier Corporation*

CERTIFICATE OF SERVICE

This is to certify that a true and correct copy of the foregoing NOTICE OF REMOVAL has been served on the following counsel of record via email to:

Burke Keaty, Esq.
Morgan & Morgan – Nashville
810 Broadway, Suite 105
Nashville, TN 37203

This the 20th day of September 2021.

/s/Mary Beth White